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AUG 18 2008

In re Application of
Jason C. Eubanks et al.
Application No. 10/736,465
Filed: December 15, 2003
Attorney Docket No. 16352-US

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 41.37(a)(1). As a complete and proper appeal brief was not filed within one (1) month of the Notification of Non-Compliance with 37 CFR 41.37(c)(1), mailed April 05, 2006, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on May 06, 2006. See MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Appeal Brief, (2) the petition fee of \$1540, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notification of Non-Compliance of April 05, 2006 is accepted as having been unintentionally delayed.

As authorized, \$510 fee for filing an Appeal Brief has been charged to the Deposit Account 04-0525.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 3671 for appropriate action by the Examiner.

Ramеш Krishnamurthy
Ramеш Krishnamurthy
Petitions Examiner
Office of Petitions